

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC. 20554**

In the Matter of

STREAMLINING DEPLOYMENT OF  
SMALL CELL INFRASTRUCTURE BY  
IMPROVING WIRELESS FACILITIES  
SITING POLICIES

WT Docket No. 16-421

**JOINT COMMENTS OF EMF SAFETY NETWORK  
AND ECOLOGICAL OPTIONS NETWORK**

EMF Safety Network (Network) and Ecological Options Network (EON) appreciate this chance to participate in the above captioned Federal Communications Commission (FCC) proceeding, which seeks comment on *“potential Commission actions to help expedite the deployment next generation wireless infrastructure [5G] by providing guidance on how federal law applies to local government review of wireless facility siting applications and local requirements for gaining access to rights of way. This Public Notice seeks comment on ways in which the Commission could promote wireless infrastructure deployment by issuing a declaratory ruling.”*<sup>1</sup>

EMF Safety Network was founded in 2009, and is a coalition of business and property owners, and utility customers. We provide public education on health, environmental, and safety impacts associated with electromagnetic fields (EMF) and wireless radiation and offer resources in support of public policy change. We have participated in formal proceedings on utility smart meters at the California Public Utilities Commission since

---

<sup>1</sup> FCC Public Notice: [https://apps.fcc.gov/edocs\\_public/attachmatch/DA-16-1427A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/DA-16-1427A1.pdf)

2010.<sup>2</sup>

Ecological Options Network, founded in 2003, is a 501 (c) (3) organization that networks with utility customers and organizations to empower policy protecting health, environment and consumer rights.<sup>3</sup>

EMF Safety Network (Network) and Ecological Options Network, (EON) strongly oppose attempts to expedite increased saturation of our public commons and private spaces with more wireless radiation.

**1) “All Americans” do not want more involuntary exposure to wireless radiation.** Mobilitie’s Petition for Declaratory Ruling<sup>4</sup> *Promoting Broadband for All Americans by Prohibiting Excessive Charges for Access to Public Rights of Way.* (Petition) dated November 15, 2016 makes an enormous and egregious assumption about “all Americans.” Contrary to Mobilitie’s assumptions, not all Americans want their homes, neighborhoods, towns, and rural country-sides to be polluted with millimeter waves so some people can have faster wireless service.

Mobilitie argues “*Robust deployment of wireless facilities and networks demonstrably serves the public interest...*”(Petition p.2) We strongly disagree. On the contrary, it serves the unbounded profit motive of telecom corporations. What is in the best public interest is to avoid unnecessary EMF exposures. There is a growing movement of educated Americans who are aware of cancer and other health risks associated with wireless radiation technology and are choosing to avoid exposures. One example is in California where 54,000 people opted out of PG&E’s smart meters. Hundreds of thousands more customers have refused, or opted out of smart meters across America. Significant percentages of people, those already sickened, and those trying to avoid being injured,

---

<sup>2</sup> EMF Safety Network website: [www.emfsafetynetwork.org](http://www.emfsafetynetwork.org)

<sup>3</sup> Ecological Options Network website: <http://www.eon3.net/>

<sup>4</sup> <http://narc.org/wp-content/uploads/Mobilitie-253-Petition-AS-FILED-c1-c1.pdf>

adamantly oppose being involuntarily exposed to more radiation for benefit of telecommunications profits.

Mobilitie writes, *“The Commission has found that all consumers require wireless broadband to have true and meaningful access to the Internet.”*(Petition pg.4) If the Commission found this to be true they are wrong, because wireless is not required in order to access the internet and there is a growing population of people who use wired internet and corded connections. True and meaningful access to the internet includes speed and security which is primarily provided by fiber optic and/or wires.

## **2) Telecoms’ interests do not outweigh local municipal, county and state jurisdiction**

On July 14, 2016 FCC Commissioner Jessica Rosenworcel stated during her approval of 5G millimeter wave deployment, *“By law and tradition we honor local control in this country.”*<sup>5</sup> Streamlining 5G deployment should be denied because it will dishonor and impede local control and deliberately thwart public participation.

The FCC’s strategic goal # 2 Protecting Public Interest Goals states, *“The rights of network users and the responsibilities of network providers form a bond that includes consumer protection, competition, universal service, public safety and national security. The FCC must protect and promote this Network Compact.”* Considering the growing scientific body of evidence of EMF harm the FCC must recognize greater consumer protections are warranted, not less protective and foolish fast tracking deployments.

## **3) Increased independent scientific studies show harmfulness of EMFs**

- In 2011, wireless radiation was classified as a possible (2b) carcinogen by the International Agency for Research on Cancer at the World Health Organization.<sup>6</sup>
- The National Toxicology Program published a 25 million dollar study which

---

<sup>5</sup> At 19: 27 <https://www.fcc.gov/news-events/events/2016/07/july-2016-open-commission-meeting>

<sup>6</sup> [http://www.iarc.fr/en/media-centre/pr/2011/pdfs/pr208\\_E.pdf](http://www.iarc.fr/en/media-centre/pr/2011/pdfs/pr208_E.pdf)

is one of the largest and most comprehensive studies on cell phone radiation and cancer. In the study the rats exposed to cell phone radiation developed two types of cancers, glioma, a brain tumor, and schwannoma, a tumor in the heart. The summary includes, *“Given the widespread global usage of mobile communications among users of all ages, even a very small increase in the incidence of disease resulting from exposure to RFR could have broad implications for public health.”*<sup>7</sup>

- 224 scientists have signed the International EMF Scientist Appeal: *“We are scientists engaged in the study of biological and health effects of non-ionizing electromagnetic fields (EMF). Based upon peer-reviewed, published research, we have serious concerns regarding the ubiquitous and increasing exposure to EMF generated by electric and wireless devices. These include—but are not limited to—radiofrequency radiation (RFR) emitting devices, such as cellular and cordless phones and their base stations, Wi-Fi, broadcast antennas, smart meters, and baby monitors as well as electric devices and infra-structures used in the delivery of electricity that generate extremely-low frequency electromagnetic field (ELF EMF).”*<sup>8</sup>

- The BioInitiative Report updated in 2012, prepared by 29 authors from ten countries, reviewed 2000 studies and conclude, *“EMF and RFR are preventable toxic exposures. We have the knowledge and means to save global populations from multi-generational adverse health consequences by reducing both ELF and RFR exposures. Proactive and immediate measures to reduce unnecessary EMF exposures will lower disease burden and rates of premature death.”*<sup>9</sup>

#### **4) The FCC is not protecting public health, safety or environment**

---

<sup>7</sup> <http://ntp.niehs.nih.gov/results/areas/cellphones/index.html>

<sup>8</sup> <https://www.emfscientist.org/>

<sup>9</sup> [www.bioinitiative.org](http://www.bioinitiative.org)

On October 30, 2013 EMF Safety Network submitted comments on FCC proceedings 13-84 and 03-137 which remain incomplete by the FCC. The FCC has not updated its wireless exposure guidelines since 1996. Meanwhile there has been an explosion of wireless devices in homes across America, and forced deployment of radiation on the general population. For example: cell towers, cell and cordless phones, wi-fi, wireless computers and printers, ipads in schools, smart meters, and smart grid. This rampant wireless explosion is set to get much worse with 5G millimeter wave deployment, Internet of Things, Smart Cities, and radar in all new cars.

The federal government has taken sole responsibility for the radiation safety of personal wireless service deployment,<sup>10</sup> however, no federal agency is acting responsibly, or taking accountability for protecting the public and the environment from the health effects of radiation exposure.

Any United States government agency, especially one who can sell the airwaves should be responsible for the safety and welfare of people and the environment, not abet the industry to fast track towers in neighborhoods to avoid a public backlash. Network and EON oppose the collusion between the wireless industry and the FCC which constitutes regulatory capture.

## **5) The FCC should not bully local authorities and citizens**

The FCC is strongly criticized by investigative journalist Norm Alster in a report published by Harvard University. Captured agency: How the Federal Communications Commission is dominated by the industries it presumably regulates.<sup>11</sup> Alster calls on the FCC to acknowledge there may be wireless health risks, to back off wi-fi promotion, to acknowledge children and pregnant women may be more vulnerable and more. He writes, *“Personally, I don’t believe that just because something can be done it should*

---

<sup>10</sup> 47 U.S.C. § 332(c)(7); 47 C.F.R. 1.1307(b) and 1.1310, which are based on perceived harm of overheating of human tissues by RF radiation.

<sup>11</sup> <http://bit.ly/FCCcaptured>

*heedlessly be allowed. Murder, rape and Ponzi schemes are all doable but subject to prohibition and regulation. Government regulators have the responsibility to examine the consequences of new technologies and act to at least contain some of the worst. Beyond legislators and regulators, public outrage and the courts can also play a role but these can be muffled indefinitely by misinformation and bullying.”*

**6) Network and EON assert the legitimate and established authority of local municipalities in protecting citizens’ constitutional rights.**

In response to the forced deployment of smart meters in Sebastopol California, the City passed a law<sup>12</sup> which banned smart meter installation. Their legal citations for their actions included: “**A.** The City of Sebastopol (the “City”), through its police powers granted by Article XI of the California Constitution, retains broad discretion to legislate for public purposes and for the general welfare, including but not limited to matters of public health, safety and consumer protection and as a local government, the City of Sebastopol finds they have a legal duty to defend and protect the health and welfare of this community. **B.** In addition, the City retains authority under Article XII, Section 8 of the California Constitution to grant franchises for public utilities and pursuant to California Public Utilities Code Section 6203, “may in such a franchise impose such other and additional terms and conditions..., whether governmental or contractual in character, as in the judgment of the legislative body are to the public interest.” **C.** Further, Public Utilities Code Section 2902 reserves the City’s right to supervise and regulate public utilities in matters affecting the health, convenience and safety of the general public, “such as the use and repair of public streets by any public utility, the location of the poles, wires, mains, or conduits of any public utility, on, under, or above any public streets, and the speed of common carriers operating within the limits of the municipal corporation.”

---

<sup>12</sup> 8.58.020 <http://www.codepublishing.com/CA/Sebastopol/html/Sebastopol08/Sebastopol0858.html#8.58.050>

**7) For the above reasons, we ask the FCC to deny Mobilitie's request to streamline 5G deployments.**

Respectfully submitted by:

/s/\_\_\_\_\_

Sandi Maurer, Director

EMF Safety Network

PO Box 1016

Sebastopol CA 95473

/s/\_\_\_\_\_

Mary Beth Brangan, Co-Director

Ecological Options Network

PO Box 1047

Bolinas CA 94924